

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 10-14.1 and 10-15.1 as follows:

6 (305 ILCS 5/10-14.1)

7 Sec. 10-14.1. Relief from administrative orders.

8 (a) Subject to subsection (b), notwithstanding

9 ~~Notwithstanding~~ the 30-day appeal period provided in Sections
10 10-12 and 10-12.1 and the limitation on review of final
11 administrative decisions contained in Section 10-14, a
12 responsible relative or a person receiving child support
13 enforcement services under this Article who is aggrieved by an
14 administrative order entered under Section 10-11 or 10-11.1 or
15 an administrative determination of paternity entered under
16 Section 10-17.7 and who did not petition within the 30-day
17 appeal period may petition the Illinois Department for relief
18 from the administrative order or determination on the same
19 grounds as are provided for relief from judgments under Section
20 2-1401 of the Code of Civil Procedure. The petition must be
21 filed not later than 2 years after the entry of the order or
22 determination by the Illinois Department. The day immediately
23 subsequent to the mailing of the order or determination shall

1 be considered as the first day and the day the petition is
2 received by the Illinois Department shall be considered as the
3 last day in computing the 2-year period. Any period during
4 which the person seeking relief is under a legal disability or
5 duress or during which the grounds for relief are fraudulently
6 concealed shall be excluded in computing the period of 2 years.

7 Upon receiving a petition within the 2-year period, the
8 Illinois Department shall provide for a hearing to be held on
9 the petition.

10 (b) Nothing in this Section shall be construed to prohibit
11 an action under subsection (b) of Section 4.1 of the Illinois
12 Parentage Act of 1984 to challenge an administrative
13 determination of paternity entered under Section 10-17.7.

14 (Source: P.A. 92-590, eff. 7-1-02.)

15 (305 ILCS 5/10-15.1)

16 Sec. 10-15.1. Judicial registration of administrative
17 support orders and administrative paternity orders.

18 (a) A final administrative support order or a final
19 administrative paternity order, excluding a voluntary
20 acknowledgement or denial of paternity that is governed by
21 other provisions of this Code, the Illinois Parentage Act of
22 1984, and the Vital Records Act, established by the Illinois
23 Department under this Article X may be registered in the
24 appropriate circuit court of this State by the Department or by
25 a party to the order by filing:

1 (1) Two copies, including one certified copy of the
2 order to be registered, any modification of the
3 administrative support order, any voluntary acknowledgment
4 of paternity pertaining to the child covered by the order,
5 and the documents showing service of the notice of support
6 obligation that commenced the procedure for establishment
7 of the administrative support order or the administrative
8 paternity order pursuant to Section 10-4 of this Code.

9 (2) A sworn statement by the person requesting
10 registration or a certified copy of the Department payment
11 record showing the amount of any past due support accrued
12 under the administrative support order.

13 (3) The name of the obligor and, if known, the
14 obligor's address and social security number.

15 (4) The name of the obligee and the obligee's address,
16 unless the obligee alleges in an affidavit or pleading
17 under oath that the health, safety, or liberty of the
18 obligee or child would be jeopardized by disclosure of
19 specific identifying information, in which case that
20 information must be sealed and may not be disclosed to the
21 other party or public. After a hearing in which the court
22 takes into consideration the health, safety, or liberty of
23 the party or child, the court may order disclosure of
24 information that the court determines to be in the interest
25 of justice.

26 (b) The filing of an administrative support order or an

1 administrative paternity order under subsection (a)
2 constitutes registration with the circuit court.

3 (c) (Blank).

4 (c-5) Every notice of registration must be accompanied by a
5 copy of the registered administrative support order or the
6 registered administrative paternity order and the documents
7 and relevant information accompanying the order pursuant to
8 subsection (a).

9 (d) (Blank).

10 (d-5) The registering party shall serve notice of the
11 registration on the other party by first class mail, unless the
12 administrative support order or the administrative paternity
13 order was entered by default or the registering party is also
14 seeking an affirmative remedy. The registering party shall
15 serve notice on the Department in all cases by first class
16 mail.

17 (1) If the administrative support order or the
18 administrative paternity order was entered by default
19 against the obligor, the obligor must be served with the
20 registration by any method provided by law for service of
21 summons.

22 (2) If a petition or comparable pleading seeking an
23 affirmative remedy is filed with the registration, the
24 non-moving party must be served with the registration and
25 the affirmative pleading by any method provided by law for
26 service of summons.

1 (e) A notice of registration of an administrative support
2 order or an administrative paternity order must provide the
3 following information:

4 (1) That a registered administrative order is
5 enforceable in the same manner as an order for support or
6 an order for paternity issued by the circuit court.

7 (2) That a hearing to contest enforcement of the
8 registered administrative support order or the registered
9 administrative paternity order must be requested within 30
10 days after the date of service of the notice.

11 (3) That failure to contest, in a timely manner, the
12 enforcement of the registered administrative support order
13 or the registered administrative paternity order shall
14 result in confirmation of the order and enforcement of the
15 order and the alleged arrearages and precludes further
16 contest of that order with respect to any matter that could
17 have been asserted.

18 (4) The amount of any alleged arrearages.

19 (f) A nonregistering party seeking to contest enforcement
20 of a registered administrative support order or a registered
21 administrative paternity order shall request a hearing within
22 30 days after the date of service of notice of the
23 registration. The nonregistering party may seek to vacate the
24 registration, to assert any defense to an allegation of
25 noncompliance with the registered administrative support order
26 or the registered administrative paternity order, or to contest

1 the remedies being sought or the amount of any alleged
2 arrearages.

3 (g) If the nonregistering party fails to contest the
4 enforcement of the registered administrative support order or
5 the registered administrative paternity order in a timely
6 manner, the order shall be confirmed by operation of law.

7 (h) If a nonregistering party requests a hearing to contest
8 the enforcement of the registered administrative support order
9 or the registered administrative paternity order, the circuit
10 court shall schedule the matter for hearing and give notice to
11 the parties and the Illinois Department of the date, time, and
12 place of the hearing.

13 (i) A party contesting the enforcement of a registered
14 administrative support order or a registered administrative
15 paternity order or seeking to vacate the registration has the
16 burden of proving one or more of the following defenses:

17 (1) The Illinois Department lacked personal
18 jurisdiction over the contesting party.

19 (2) The administrative support order or the
20 administrative paternity order was obtained by fraud.

21 (3) The administrative support order or the
22 administrative paternity order has been vacated,
23 suspended, or modified by a later order.

24 (4) The Illinois Department has stayed the
25 administrative support order or the administrative
26 paternity order pending appeal.

1 (5) There is a defense under the law to the remedy
2 sought.

3 (6) Full or partial payment has been made.

4 (j) If a party presents evidence establishing a full or
5 partial payment defense under subsection (i), the court may
6 stay enforcement of the registered order, continue the
7 proceeding to permit production of additional relevant
8 evidence, and issue other appropriate orders. An uncontested
9 portion of the registered administrative support order or the
10 registered administrative paternity order may be enforced by
11 all remedies available under State law.

12 (k) If a contesting party does not establish a defense
13 under subsection (i) to the enforcement of the administrative
14 support order or the administrative paternity order, the court
15 shall issue an order confirming the administrative support
16 order or the administrative paternity order. Confirmation of
17 the registered administrative support order or the
18 administrative paternity order, whether by operation of law or
19 after notice and hearing, precludes further contest of the
20 order with respect to any matter that could have been asserted
21 at the time of registration. Upon confirmation, the registered
22 administrative support order or the administrative paternity
23 order shall be treated in the same manner as a support order or
24 a paternity order entered by the circuit court, including the
25 ability of the court to entertain a petition to modify the
26 administrative support order due to a substantial change in

1 circumstances or a petition to modify the administrative
2 paternity order due to clear and convincing evidence regarding
3 paternity, or petitions for visitation or custody of the child
4 or children covered by the administrative support order or the
5 administrative paternity order. Nothing in this Section shall
6 be construed to alter the effect of a final administrative
7 support order or a final administrative paternity order, or the
8 restriction of judicial review of such a final order to the
9 provisions of the Administrative Review Law, as provided in
10 Sections ~~Section~~ 10-11 and 10-17.7 of this Code.

11 (Source: P.A. 97-926, eff. 8-10-12; 98-563, eff. 8-27-13.)

12 Section 10. The Illinois Parentage Act of 1984 is amended
13 by changing Sections 4.1 and 8 as follows:

14 (750 ILCS 45/4.1)

15 Sec. 4.1. Administrative paternity determinations.

16 (a) Notwithstanding any other provision of this Act, the
17 Department of Healthcare and Family Services may make
18 administrative determinations of paternity and nonpaternity in
19 accordance with Section 10-17.7 of the Illinois Public Aid
20 Code. These determinations of paternity or nonpaternity shall
21 have the full force and effect of judgments entered under this
22 Act.

23 (b) An administrative determination of paternity that is
24 not based on a voluntary acknowledgment of paternity made in

1 accordance with Section 10-17.7 of the Illinois Public Aid Code
2 may be challenged in court on the basis of fraud, duress, or
3 material mistake of fact, with the burden of proof upon the
4 challenging party. Pending outcome of the challenge to the
5 administrative determination of paternity, the legal
6 responsibilities of the parties shall remain in full force and
7 effect, except upon order of the court upon a showing of good
8 cause. A party challenging an administrative determination of
9 paternity made in accordance with Section 10-17.7 of the
10 Illinois Public Aid Code must consent to and submit to
11 deoxyribonucleic acid (DNA) testing, in accordance with
12 Department of Healthcare and Family Services rules, in order to
13 challenge paternity.

14 (c) For purposes of subsection (b), evidence that, based on
15 deoxyribonucleic acid (DNA) testing, the man who has been found
16 to be the father of a child under an administrative
17 determination of paternity is not the natural father of the
18 child constitutes a material mistake of fact.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (750 ILCS 45/8) (from Ch. 40, par. 2508)

21 Sec. 8. Statute of limitations.

22 (a) (1) An action brought by or on behalf of a child, an
23 action brought by a party alleging that he or she is the
24 child's natural parent, or an action brought by the
25 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid), if it is providing or
2 has provided financial support to the child or if it is
3 assisting with child support collection services, shall be
4 barred if brought later than 2 years after the child
5 reaches the age of majority; however, if the action on
6 behalf of the child is brought by a public agency, other
7 than the Department of Healthcare and Family Services
8 (formerly Illinois Department of Public Aid) if it is
9 providing or has provided financial support to the child or
10 if it is assisting with child support collection services,
11 it shall be barred 2 years after the agency has ceased to
12 provide assistance to the child.

13 (2) Failure to bring an action within 2 years shall not
14 bar any party from asserting a defense in any action to
15 declare the non-existence of the parent and child
16 relationship.

17 (3) An action to declare the non-existence of the
18 parent and child relationship brought under subsection (b)
19 of Section 7 of this Act shall be barred if brought later
20 than 2 years after the petitioner obtains knowledge of
21 relevant facts. The 2-year period for bringing an action to
22 declare the nonexistence of the parent and child
23 relationship shall not extend beyond the date on which the
24 child reaches the age of 18 years. Failure to bring an
25 action within 2 years shall not bar any party from
26 asserting a defense in any action to declare the existence

1 of the parent and child relationship.

2 (4) An action to declare the non-existence of the
3 parent and child relationship brought under subsection
4 (b-5) of Section 7 of this Act shall be barred if brought
5 more than 6 months after the effective date of this
6 amendatory Act of 1998 or more than 2 years after the
7 petitioner obtains actual knowledge of relevant facts,
8 whichever is later. The 2-year period shall not apply to
9 periods of time where the natural mother or the child
10 refuses to submit to deoxyribonucleic acid (DNA) tests. The
11 2-year period for bringing an action to declare the
12 nonexistence of the parent and child relationship shall not
13 extend beyond the date on which the child reaches the age
14 of 18 years. Failure to bring an action within 2 years
15 shall not bar any party from asserting a defense in any
16 action to declare the existence of the parent and child
17 relationship.

18 (5) An action under subsection (b) of Section 4.1 of
19 this Act to challenge an administrative determination of
20 paternity is barred if brought more than 6 months after the
21 effective date of this amendatory Act of the 99th General
22 Assembly or more than 2 years after the petitioner obtains
23 actual knowledge of relevant facts, whichever is later. The
24 2-year period does not apply to periods of time when the
25 natural mother or the child refuses to submit to
26 deoxyribonucleic acid (DNA) tests. The 2-year period for

1 bringing an action under subsection (b) of Section 4.1 of
2 this Act to challenge an administrative determination of
3 paternity shall not extend beyond the date on which the
4 child reaches the age of 18 years. Failure to bring an
5 action within 2 years does not bar any party from asserting
6 a defense in any action to declare the existence of the
7 parent and child relationship.

8 (b) The time during which any party is not subject to
9 service of process or is otherwise not subject to the
10 jurisdiction of the courts of this State shall toll the
11 aforementioned periods.

12 (c) This Act does not affect the time within which any
13 rights under the Probate Act of 1975 may be asserted beyond the
14 time provided by law relating to distribution and closing of
15 decedent's estates or to the determination of heirship, or
16 otherwise.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.